

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MICHAEL JAY JOHNSON,

Petitioner,

V.

ATTORNEY GENERAL FOR THE
STATE OF ALABAMA, ET AL.,

Respondents.

CV 09-PWG-900-S

MEMORANDUM OF OPINION

The magistrate judge filed his findings and recommendation on November 16, 2009, recommending that the petition for writ of habeas corpus be dismissed as untimely. The magistrate judge also noted that had the claim been timely, it was nonetheless procedurally barred. On November 30, 2009, petitioner filed objections to the findings and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by the petitioner, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the petition for writ of habeas corpus is due to be DISMISSED as untimely and, in the alternative, procedurally barred. A Final Judgment will be entered.

Done this 10th day of December 2009.

[Handwritten signature]

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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